

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

FILED  
CLERKS OFFICE

FAZAL RAHEMAN

Petitioner

No. 05-40039-DPW

2005 MAY 20 P 1:45

V

DAVID WINN

Respondent

U.S. DISTRICT COURT  
DISTRICT OF MASS.

**Motion To Strike Irrelevant Pleadings**

The facts relevant to the issues presented were undisputed. The first two questions presented by the petitioner raised a strictly legal issue of construing the February 12, 2004 hearing, which committed petitioner to the CCC. And, if it was official detention than pursuant to Reno v Koray, 515 US 50, 61, 63 (1995) and Goldings v Winn, 383 F 3d 25, 30 (1st Cir 2004), 59 days spent in official detention in CCC warrants a credit. The third question pertaining to CCC placement, was also a purely legal question, which the petitioner now withdraws from consideration for mootness as his release date is less than two weeks away. The respondent has overwhelmed the court with 100s of pages of irrelevant material. The exhibits presented have absolutely no relevance whatsoever to the issues at bar.

The declaration of Patrick W Ward and attached exhibits only indicate that petitioner did not exhaust administrative remedy and he is not eligible for CCC placement. Both claims are moot because, as for exhaustion petitioner never claimed that he exhausted administrative remedies, on the contrary he pleaded

exemption because any effort will be "exercise in futility". See Petition, p3. And as for the CCC placement the claim for CCC placement is already withdrawn for mootness. Therefore, respondent's voluminous submission serves no purpose except to tax judicial resources of this Honorable Court. Hence for all the above reasons the petitioner respectfully prays that the Appendix to respondent's Opposition Memorandum, which includes Declaration of Patrick Ward and Exhibits A through FF be stricken off in its entirety.

Respectfully submitted,



Fazal Raheman  
Pro Se Petitioner  
Reg No. 46236-008, FMC, Devens,  
Ayer, MA 01432

CERTIFICATE OF SERVICE

I, Fazal Raheman, hereby certify that I served a copy of the foregoing pleading on the counsel for respondent Ms Anita Johnson, AUSA, One Courthouse Way, Suite 9200, Boston, MA 02210, by depositing in the FMC Mailing System first class postage prepaid on May 18, 2005.



Fazal Raheman